

Re: RM-10787 (NCVEC Petition For Rulemaking To Amend Part 97 Of Commission's Rules To Eliminate Morse Code Testing)

The following comments are being submitted in reference to the above-indicated petition but, insofar as all seven of the petitions for rulemaking from RM-10781 through RM-10787 inclusive address the same issue - basically, that of whether or not to discontinue Morse code testing as a requirement for licensees desiring privileges to operate amateur stations on the HF bands, the following comments may be considered as applying to each of the seven petitions in question. It is my opinion that the Commission should act to amend Part 97 of the Commission's rules as soon as possible so as to discontinue the practice of testing Morse code proficiency of applicants for any and all classes of licenses in the Amateur Radio Service, and extend to current licensees holding Technician class licenses the operating privileges that they would gain today if they passed an Element 1 examination.

The Commission previously noted in its Report And Order on the restructuring of the Amateur Radio Service regulations that took effect on April 1, 2000 (WT Docket No. 98-143), that one of the fundamental purposes underlying the Part 97 rules is to accomodate the proven ability of amateurs to contribute to the advancement of the radio art. In light of the fact that the use of Morse code has been discontinued by government, military, and commercial radio services - and in most cases replaced by digital communications systems capable of automated operation - it does not seem that a testing requirement that keeps the Amateur service largely rooted in a method of communication that can hardly be considered to be on the cutting edge of modern communications technology would serve to accomodate the advancement of the radio art by amateur operators. In fact, it would seem to me that the opposite would be true, since time spent learning and practicing the code could otherwise be spent learning material that is more pertinent to modern communications methods and systems.

It also occurs to me that the portion of Part 97 that sets forth the Basis And Purpose of the amateur service further states that the rules seek to expand the existing reservoir within the amateur service of trained operators, technicians, and electronics experts. However, since the government, commercial, and military radio services no longer utilize Morse as a method of communicating, this raises the question of to what end is the amateur service training Morse-proficient operators? Although there remains considerable use of this mode within the Amateur service, the Commission's rules to not require licensees to use it, and use of it elsewhere has disappeared.

I would further like to note that Technician class licensees operating on the VHF/UHF bands are permitted to operate any mode authorized to operators in the amateur service. However, only by passing a code test does that licensee earn the privilege to operate on the HF bands using telephony - and then the Technician receives the same HF operating privileges are also held by remaining holders of the Novice class license, who did not pass the more stringent written tests required to obtain the Technician class license. It does not seem as if a code test would serve any useful purpose in determining whether or not a licensee is qualified to operate an amateur station using telephony. Furthermore, presumably a holder of a General class license or higher is qualified to operate an amateur station in any other operating mode permitted to Commission licensees in the amateur service since these licensees have significant HF operating privileges. As further evidence of this inconsistency in the current rules, the aforementioned Novice licensee is considered under the current rules to be qualified to operate an amateur station using telephony on a portion of the ten meter band - a band that frequently propagates signals on a

worldwide basis - yet the same licensee does not have the privilege to use the most popular band in the amateur service (2 meters) to communicate with another ham half a mile away in his or her own home town. I do not feel that the code test serves any useful regulatory purpose in determining whether an amateur is qualified to operate an amateur station using telephony, or for that matter, using any other operating mode authorized to amateurs, except CW operation.

I would also note that the vast majority of emergency communications conducted by amateurs is done on a local basis using FM telephony, most frequently on the 2 meter band where Technician licensees have full amateur privileges. While there are of course emergency communications conducted on the HF bands as well, the vast majority of these communications no longer is conducted using CW. In fact, during the recent activation of amateur emergency communications teams due to Hurricane Isabel, amateurs faced with poor band conditions used voice-over-IP linking systems to tie in local 2-meter communications with the HF nets rather than turn to the use of telegraphy to get through the poor band conditions. This use of voice-over-IP for emergency communications, while far from being perfected by amateurs, shows that there are alternatives to CW when other signals aren't getting through, and that amateurs continue to be very innovative when the need to provide emergency communications arises. In light of these facts, I do not feel that continuing to test code proficiency is necessary to insure the continued value of the amateur service to the public with respect to providing emergency communications.

I short, successful completion of Element 1 provides no more and no less than an indication of an individual's ability to copy Morse code at a speed of five words per minute. That in itself tells us nothing about the same individual's qualifications to operate an amateur station in another transmission mode, nor does it tell us anything about the frequency bands on which that individual may be considered qualified to operate an amateur station. The code test does not comport with the basis and purpose of the amateur service as primarily a technically oriented radio service. Therefore, due to the fact that Morse proficiency is no longer a requirement of the international rules, there is no regulatory purpose that would be served by continuing to have the requirement, nor would continuing to have this requirement be in keeping with the basis and purpose of the amateur service.

I feel that the code test also serves as an unnecessary burden to licensees and to applicants for licensing in the amateur service, because due to lack of aptitude and/or interest in the code on the part of relatively new licensees and that of new applicants, the requirement to pass a code test unnecessarily turns away from amateur radio countless individuals who would otherwise become licensed amateurs and potentially excellent amateur operators.

This brings me to the burden on volunteer examiner teams who must continue to prepare and administer Element 1 examinations, as well as to obtain and maintain special equipment in order to be able to properly administer this element. In light of the fact that the code test is no longer required by international rules, serves no useful regulatory purpose, does not comport with the basis and purpose of the amateur service, and is detrimental to the expansion of the amateur service, it would seem that there is no logical reason why VE teams should be required to continue to carry the burden of administering these tests, nor VEC organizations to coordinate them.

With regard to the comments in the NCVET petition relative to the burden placed on FCC by the code test, I would like to add that, in light of the fact that several other countries have already eliminated code testing from their

licensing requirements, the U.S. regulations stand to be in conflict with the requirements of other nations who are signatory to the agreements that underly CEPT and other reciprocal operating agreements and credentials, potentially placing the Commission in a position where it will become involved in a controversy over operating privileges that would be granted to alien control operators who have not passed a code test in the nations where they are citizens but are nevertheless accorded full amateur privileges by their own governments, while U.S. amateurs who had satisfied the same (or even more stringent) technical requirements by virtue of the written examination elements, would be denied those operating privileges on the basis of not having earned credit for examination Element 1.

I therefore urge the Commission to eliminate Morse code testing in the amateur radio service, and furthermore, to take this action as soon as possible, so that the cost (financially and otherwise) to the amateur service, the VEC organizations, and the VE teams may be reduced as quickly as is practical, to the mutual benefit of all parties concerned.

Respectfully,

John D. Kasupski, KC2HMZ
General Class Commission Licensee
Amateur Radio Service